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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,868	07/22/2003	Edward Cocciadiferro	034017R009	7539
441	7590	05/05/2006	EXAMINER	
SMITH, GAMBRELL & RUSSELL, LLP 1850 M STREET, N.W., SUITE 800 WASHINGTON, DC 20036			KIM, SANG K	
			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/623,868

Applicant(s)

COCCIDI FERRO ET AL.

Examiner

SANG KIM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 4/25/06, A.F.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6,8,10,32,33 and 47-50 is/are pending in the application.
- 4a) Of the above claim(s) 33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8,10,32,49 and 50 is/are rejected.
- 7) ☒ Claim(s) 6,47 and 48 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### ***Oath/Declaration***

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the mailing address of each inventor. A mailing address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing address should include the ZIP Code designation. The mailing address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

It does not identify the citizenship of each inventor.

It does not identify the city and either state or foreign country of residence of each inventor. The residence information may be provided on either on an application data sheet or supplemental oath or declaration.

The above items are missing for the second listed inventor, Lynn Noble.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "said latch includes a latch component which is positioned for deflecting contact with a latch reception component supported by said spindle such that a rotation of said spindle from said film roll replacement position to said film feed to dispenser mode position automatically moves said latch into a latch state following deflection," recited in claim 8 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Since applicant's detailed description fails explain and identify each component with

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respective reference number, examiner is not sure which figure has a latch component, a latch reception component, or how it is being deflected into a latch state.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification/claim objections***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: During the prosecution many of the claims have been added, canceled, or amended; however, some of the claimed terms do not correspond

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to the specification of detailed description. Applicant can amend the specification to provide proper antecedent basis for the claimed subject matter. Thus, claims 6, 8, 10, 32, 47-50 are objected of the following informalities listed below for failure to correspond/explain the claimed subject with respect to the specification of detailed description:

In claim 6, the term, "a roll retention latch includes a handle member."

In claim 8, the term, "said latch includes a latch component which is positioned for deflecting contact with a latch reception component supported by said spindle such that a rotation of said spindle from said film roll replacement position to said film feed to dispenser mode position automatically moves said latch into a latch state following deflection."

In claim 10, the term, "said spindle having a support extension," and "mounting surfaces are dimensioned relative to core inserts."

In claim 47, the term "the roll retention latch includes a radially adjustable retention member," and "the handle present an axial slide barrier."

In claim 48, the term, "wherein said support extension further comprises a central shaft internally received within said pair of sliding sleeves and a bearing providing bearing contact between said central shaft and an outermost one of said pair of sleeves defining the free end of said spindle."

If applicant believes all the claimed subject matter is already found in applicant's detailed description, then applicant is encouraged to explain by specifying to a specific

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portion of the specification and drawings so that the examiner can follow exactly which element is being referred to by the applicant.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8, 10, 32, and 49-50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 is indefinite and vague because examiner is not sure how the latch with a latch component is able to deflect and contact with a latch reception component and automatically moves the latch into a latch state following deflection. Applicant's detailed description and drawings did not provide which element is able to actually perform the task claimed by the applicant. Applicant is encouraged to explain by specifying to a specific portion of the specification and drawings so that the examiner can follow exactly which element is being referred to.

Claim 10 is indefinite and vague because of the last limitation recited by the applicant, which states " which mounting surfaces are dimensioned relative to core inserts of the film roll which core inserts are dimensioned of different sizes so as to limit mounting of the film roll in only one axial orientation." Examiner is not sure how the core inserts are able to limit the mounting of the film roll in only one axial orientation and how the mounting surfaces are dimensioned relative to core inserts (i.e., by expanding

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and contracting mounting surfaces relative to the core inserts). Applicant's detailed description and drawings did not explain or show how the core inserts are used to perform the task claimed by the applicant. Applicant is encouraged to explain by specifying to a specific portion of the specification and drawings so that the examiner can follow exactly which element is being referred to.

Because of the indefiniteness, claims 8, 10, 32, and 49-50 cannot be meaningfully treated with respect to the prior art at this time.

### ***Allowable Subject Matter***

Claims 6 and 47-48 would be allowable if rewritten or amended to overcome the objection(s), set forth in this Office action.

A statement of reasons for the indication of allowable subject matter can be found in the Final Office Action mailed on 11/25/05.

### ***Response to Arguments***

Applicant's remarks filed on 4/25/06 have been considered and entered for the purpose of prosecuting the case further, however, the amended claims are subject to the new ground(s) of rejection/objection as set forth above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG KIM whose telephone number is 571-272-6947.

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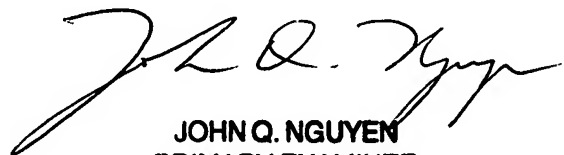
The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki, can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK

5/2/06



JOHN Q. NGUYEN  
PRIMARY EXAMINER